

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRUSTEES OF THE PLUMBERS AND GASFITTERS'
LOCAL UNION NO. 12 WELFARE, PENSION,
ANNUITY, VACATION & XMAS and FRINGE BENEFIT
FUNDS; AND PLUMBERS AND GASFITTERS LOCAL
12

Plaintiffs

VS.

CRANE MECHANICAL CO., INC.

Defendant

CASE NO.
03-CV-12452 (MLW)

February 17, 2004

MOTION FOR DEFAULT FOR FAILURE TO PLEAD

Plaintiff Funds Trustees filed the ERISA collection action on December 5, 2003 seeking delinquent contributions owed to Plaintiffs by Defendant for August, September, and October 2003 and all ensuing delinquencies that accrue during the pendency of this action. At this time, Defendant remains delinquent for the months of November and December 2003 in the amounts of **\$26,023.05** and **\$21,384.34**. Additionally, the January 2004 contributions were due, owing and unpaid on February 15, 2004. Accordingly, based upon the prior delinquencies, a total three (3) month delinquency exists at this time in excess of **\$72,000.⁰⁰** When Judgment is entered, a final accounting of all delinquencies will be provided.

The Complaint was duly served on Defendant by Suffolk County Sheriff on December 16, 2003. Plaintiff has reminded Defendant of its obligation to either resolve the Complaint or Answer the Complaint. To date, sixty-three (63) days have passed since service of the Complaint and Defendant has not filed an Answer or any responsive pleadings to the Complaint, nor has Defendant corrected its chronic delinquency pattern.

The Plaintiffs in the above-captioned action hereby represent that the time limit for responding to their Complaint has passed and that the Defendant, Crane Mechanical, Inc., has failed to respond to Plaintiffs' Complaint as required by Rule 12(a) of the Federal Rules of Civil Procedure.

WHEREFORE, the Plaintiffs, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, respectfully move this Court to enter default against said Defendant for failure to plead.

PLAINTIFFS,

By: 

Robert M. Cheverie, Esq.
ROBERT M. CHEVERIE
& ASSOCIATES, P.C.
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Suite 101
East Hartford, CT 06108
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BBO No. 082320

CERTIFICATION

I hereby certify that a copy of the foregoing Motion for Default for Failure to Plead has been mailed, first-class and postage prepaid, this 17th day of February 2004 to the following:

Kenneth F. Crane
Clerk of the Corporation
CRANE MECHANICAL, INC.
320 W. Broadway
South Boston, MA 02127

Ken Crane
CRANE MECHANICAL, INC.
915 Massachusetts Avenue
Boston, MA 02118



ROBERT M. CHEVERIE

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